

Harris County Docket Sheet

2024-06791**COURT:** 215th**FILED DATE:** 2/1/2024**CASE TYPE:** Motor Vehicle Accident

**RAPALO, ILSY ODET GOMEZ (INDIVIDUALLY AND A/N/F OF
B J R G (MINOR))**

Attorney: GOFF, JASON D.

VS.

COTTON, CHARLES D

Docket Sheet Entries**Date****Comment**

3. Plaintiffs, Ilsy Odet Gomez Rapalo, individually and a/n/f of B [REDACTED] J [REDACTED] R [REDACTED] G [REDACTED] reside in Harris County, Texas. The last three numbers of Plaintiff Rapalo's driver's license number are 311. The last three numbers of the Plaintiff Rapalo's social security number are XXX.

4. Defendant, Charles D. Cotton, is an individual who resides in Anderson County at 131 Ashton Lane, Anderson, SC 29621. Service of said Defendant may be effected by serving the Chair of the Texas Transportation Commission by a legal process server at:

J. Bruce Bugg, Jr., Chairman
Texas Transportation Commission
125 E. 11th Street
Austin, Texas 78701-2483

The citation should direct the Chair of the Texas Transportation Commission to forward the citation and petition to:

Charles D. Cotton
131 Ashton Lane
Anderson, SC 29621

5. Defendant, Montgomery Transport, LLC. (hereinafter "Montgomery Transport"), is a foreign corporation who is not registered in Texas. Because Montgomery Transport is operating its business in Texas but has failed to register as required under Chapter 9 of the Texas Business Organizations Code, service may be obtained from the Texas Secretary of State. Service of process through the Texas Secretary of State can be obtained by Certified Mail at:

Service of Process
Secretary of State
PO Box 12079
Austin, Texas 78711-2079

Or in person at:

Service of Process
Secretary of State
James E. Rudder Building
1019 Brazos, Room 105
Austin Texas 78701

The citation should direct the Secretary of State to forward the and citation and petition to Montgomery Transport's registered agent at its business address:

C T Corporation System
as registered agent for
Montgomery Transport, LLC.

2 North Jackson Street, Suite 605
Montgomery, Alabama 36104.

6. Defendant, Capacity Lease, LLC. (hereinafter "Capacity Lease"), is a foreign corporation who is not registered in Texas. Because Capacity Lease is operating its business in Texas but has failed to register as required under Chapter 9 of the Texas Business Organizations Code, service may be obtained from the Texas Secretary of State. Service of process through the Texas Secretary of State can be obtained by Certified Mail at:

Service of Process
Secretary of State
PO Box 12079
Austin, Texas 78711-2079

Or in person at:

Service of Process
Secretary of State
James E. Rudder Building
1019 Brazos, Room 105
Austin Texas 78701

The citation should direct the Secretary of State to forward the and citation and petition to Capacity Lease's registered agent at its business address:

C T Corporation System
as registered agent for
Capacity Lease, LLC.
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

STATEMENT REGARDING MONETARY RELIEF SOUGHT

7. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiffs seek monetary relief over \$1,000,000.00. Discovery in this matter has just commenced and, therefore, Plaintiffs cannot reliably state a maximum amount of damages the Plaintiffs are seeking at this time and reserve their right to amend or supplement in accordance with the Texas Rules of Civil Procedure.

FACTS

8. On or about June 12, 2023, Plaintiffs were traveling southbound on or around the 1400 block of Sellers Road when, Defendant, Charles D. Cotton, failed to keep a proper lookout and failed to back his commercial vehicle safely and suddenly and without warning struck Plaintiffs' vehicle thereby causing a major collision. At the time of the collision, Plaintiffs suffered multiple and severe damages including but not limited to personal injuries and property damages.

CAUSES OF ACTION AGAINST DEFENDANT, CHARLES D. COTTON

9. Defendant, Charles D. Cotton's aforementioned conduct constitutes negligence, gross negligence, and/or negligence *per se* for one or more of the following reasons:

- a. Failed to operate the vehicle safely;
- b. Failed to keep a proper lookout;
- c. Failed to timely apply brakes;
- d. Failed to back the vehicle safely.
- e. Failed to take proper evasive action;
- f. Failed to maintain a safe distance;
- g. Violated applicable, local, state and federal laws and/or regulations;
- h. Other acts so deemed negligent.

Negligence Per Se Pursuant to Texas Transportation Code §545.415

10. Because Defendants, Montgomery Transport *and/or* Capacity Lease's driver failed to back the vehicle safely, Defendant, Charles D. Cotton violated TEX. TRANSP. CODE § 545.415 which states, in part:

“BACKING A VEHICLE.

- (a) An operator may not back the vehicle unless the movement can be made safely and without interference with other traffic.

[...]

Defendants have no legal excuse for violating this statute.

11. TEX. TRANSP. CODE §545.415 is a statute designed to prevent harm to drivers and vehicles traveling on public roads. Because the vehicle containing Plaintiffs was struck by Defendants' commercial vehicle, which failed to back safely, the Plaintiffs are of the class of persons TEX. TRANSP. CODE §545.415 was designed to protect and their injuries and damages are of the type TEX. TRANSP. CODE §545.415 was designed to prevent.

12. Defendants' unexcused violation of TEX. TRANSP. CODE §545.415 proximately caused Plaintiffs' injuries and damages.

**CAUSES OF ACTION AGAINST DEFENDANTS MONTGOMERY TRANSPORT, LLC.
and/or CAPACITY LEASE, LLC.**

13. At all times material hereto, Defendant, Charles D. Cotton was acting in the course and scope of his employment for Defendants, Montgomery Transport *and/or* Capacity Lease. Consequently, Defendants, Montgomery Transport *and/or* Capacity Lease are responsible for the acts and/or omissions of Defendant, Charles D. Cotton under the doctrine of *respondeat superior*. Plaintiffs further plead that Defendants, Montgomery Transport and/or Capacity Lease were negligent, grossly negligent, and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Violated applicable, local, state and federal laws and/or regulations;
- e. Negligently inspecting or maintaining a commercial vehicle in working order;
- f. Other acts so deemed negligent.

14. As a result of these acts or omissions, Plaintiffs sustained damages recognizable by law.

DAMAGES FOR PLAINTIFF, ILSY ODET GOMEZ RAPALO

15. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer injuries and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Loss of consortium in the past, including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations;
- J. Loss of consortium in the future including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations;
- K. Loss of household services in the past;

- L. Loss of household services in the future;
- M. Disfigurement in the past;
- N. Disfigurement in the future;
- O. Mental anguish in the past;
- P. Mental anguish in the future;
- Q. Fear of future disease or condition; and
- R. Cost of medical monitoring and prevention in the future.
- S. Property damage, including storage, loss of use, diminution in value, and any remaining payments where less than the full value of repair or replacement was previously tendered.

DAMAGES FOR INJURED PARTY B [REDACTED] J [REDACTED] R [REDACTED] G [REDACTED] (Minor)

16. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer injuries and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by the subject of this lawsuit, Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;

G. Mental anguish in the past; and

H. Mental anguish in the future.

JURY DEMAND

17. Plaintiffs hereby demand a trial by jury.

REQUIRED DISCLOSURE

18. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants must disclose, within thirty (30) days of filing their Answer, the information and material described in 194.2 (1) through (12). *Defendants are instructed to answer separately.*

RULE 193.7 NOTICE

19. Plaintiffs hereby give actual notice to Defendants that any and all documents produced may be used against Defendants at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

DESIGNATION OF ADDRESS FOR ELECTRONIC SERVICE

20. Pursuant to Texas Rules of Civil Procedure 21a(a)(2) and 57, Plaintiffs hereby designate the following email address for electronic service: e-service_jason@marcoslaw.com.

PRAYER

Plaintiffs pray that these citations are issued and served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiffs have judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which they may show themselves justly entitled.

[Signature on the next page]

Respectfully submitted,

LAW OFFICES OF MARCOS & ASSOCIATES, P.C.

By: 

Jason D. Goff

Texas Bar No. 24052857

10700 North Freeway, 8th Floor

Houston, TX 77037

Telephone: (713) 528-7711

Facsimile: (713) 528-7710

E-service: e-service_jason@marcoslaw.com

ATTORNEY FOR PLAINTIFFS

Unofficial Copy Office of Marilyn Burgess District Clerk

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Bianca Gomez on behalf of Jason Goff

Bar No. 24052857

bgomez@marcoslaw.com

Envelope ID: 84057543

Filing Code Description: Petition

Filing Description: Plaintiffs' Original Petition & Civ. Proc. (e-Citation) Req. Forms

Status as of 2/1/2024 4:14 PM CST

Associated Case Party: Ilsy Odet Gomez Rapalo, individually and a/n/f of B. J. R. G.

Name	BarNumber	Email	TimestampSubmitted	Status
Jason D.Goff		e-service_jason@marcoslaw.com	2/1/2024 4:00:28 PM	SENT

COPY OF PLEADING PROVIDED BY PLAINTIFF

EML

Plaintiff:
RAPALO, ILSY ODET GOMEZ (INDIVIDUALLY AND A/N/F OF B J R G
(MINOR))
vs.
Defendant:
COTTON, CHARLES D

In The 215th
Judicial District Court of
Harris County, Texas
201 CAROLINE
Houston, Texas

CITATION (STATE HIGHWAY COMMISSION)

THE STATE OF TEXAS
County of Harris

To: COTTON, CHARLES D MAY BE SERVED BY SERVING THE CHAIR OF THE TEXAS TRANSPORTATION
COMMISSION J BRUCE BUGG JR CHAIRMAN 125 E 11TH STREET AUSTIN TX 78701-2483 FORWARD TO:
131 ASHTON LANE, ANDERSON SC 29621
OR ANY ADDRESS DEFENDANT MAY BE FOUND

Attached is a certified copy of: PLAINTIFFS ORIGINAL PETITION

This instrument was filed on February 1, 2024 in the above cited cause number and court.
The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your Attorney do not file
a written answer with the District Clerk who issued this citation by 10:00 a.m. on the
Monday next following the expiration date of 20 days after you were served this citation and
petition, a default judgment may be taken against you. In addition to filing a written
answer with the clerk, you may be required to make initial disclosures to the other parties
of this suit. These disclosures generally must be made no later than 30 days after you file
your answer with the clerk. Find out more at [TexasLawHelp.org](https://www.texaslawhelp.org).

TO OFFICER SERVING:

This citation was issued on February 2, 2024, under my hand and seal of said court.

Issued at the request of:

COFF, JASON D.
10700 NORTH FREEWAY, 8TH FLOOR
HOUSTON, TX 77037
713 528 7711
Bar Number: 24052857



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 CAROLINE, Houston TX 77002
(PO Box 4651, Houston, TX 77210)

Generated By: JOSHUA HALL

Tracking Number: 74283908

EMI

CAUSE NUMBER: 202406791

PLAINTIFF: RAPALO, ILSY ODET GOMEZ (INDIVIDUALLY AND A/N/F OF B J R G (MINOR)) In the
215th
vs. Judicial District Court of
DEFENDANT: COTTON, CHARLES D Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at 8:00 o'clock A M. on the 9th day of February,
2024. Executed at

(Address) 125 E 11th St, Apt 701, Houston, TX 77001 Court # 7022-3330-0000-8689-9999
in

Texas County at 10:38 o'clock A M. On the 14th day of
February, 2024 by

Delivering to Charles D. Cotton Attorney for Respondent J Bui Bui in Civil defendant, in person, a true
copy of this Citation together with the accompanying 2 copy (ies) of the PLAINTIFFS
ORIGINAL PETITION attached thereto and I endorsed on said copy of the Citation the
date of delivery.

To certify February which I affix my hand officially this 15th day of
February, 2024

Fees \$

By [Signature]
Affiant

Deputy

On this day, [Signature], known to me to be the
person whose signature appears on the foregoing return, personally appeared. After being by
me duly sworn, he/she stated that this citation was executed by him/her in the exact manner
recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this 15th day of February,
2024

NO. 2023-06791

ILSY ODERT GOMEZ RAPALO

V

CHARLES D. COTTON

§
§
§
§
§

IN THE 215TH JUDICIAL

DISTRICT COURT OF

HARRIS COUNTY, TEXAS

AFFIDAVIT OF LAWRENCE RODRIGUEZ, JR.

STATE OF TEXAS

COUNTY OF HARRIS


§
§
§

KNOW ALL PERSONS BY THESE PRESENTS

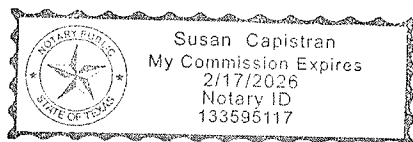
BEFORE ME, the undersigned authority, on this day personally appeared Lawrence Rodriguez, Jr., who being by me first duly sworn, deposed and stated:

1. "My name is Lawrence Rodriguez, Jr., and my business address is 2021 Spenwick #518, Houston, Texas 77055. I am over the age of twenty-one (21) years, of sound moral character, never been convicted of a felony, and otherwise competent to testify. I have personal knowledge if the facts and circumstances set forth in this Affidavit, and they are true and correct.
2. This affidavit is made pursuant to the Supreme Court of Texas Misc Docket No. 05-9121, Final Approval of Amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure("Standing Order").
3. I affirmatively state that I am an authorized private process server pursuant to Rule 103 TRCP in conjunction with the Standing Order and have no interest in the outcome of this suit.
4. Came to hand on February 9, 2024 at 8:00 am and executed in Travis County, Texas by delivering to each named defendant, a true copy of citation together with copy of Plaintiff's Original Petition at the following time and place to wit: Chrales D. Cotton through Texas Transportation Commission J. Bruce Bugg Chairman certified mail return receipt requested article number 7022-3330-0000-8689-9949 at 125 East 11th Street, Austin, Travis County, Texas 78701 on February 14, 2024 at 10:58am.

"Further, Affiant sayeth naught."


LAWRENCE RODRIGUEZ, JR.
SCH00001055

SWORN TO AND SUBSCRIBED TO BEFORE ME, on this the 17th day of Feb, 2024, by Lawrence Rodriguez, Jr.




Notary Public State of Texas

ALERT: SEVERE WEATHER CONDITIONS ACROSS THE U.S. MAY DELAY FINAL DELIVERY OF Y...

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FAQs >

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February 14, 2024, 10:58 am

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Feedback

Text & Email Updates

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Product Information

See Less ^

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AUSTIN, TEXAS 78701

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Certified Mail Fee	\$4.40
Postage	\$2.35
Total P.	\$6.75

Extra Services & Fees (check box, add fees as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Total P. \$6.75

Sent To: **Charles D. Cotton through TX Trans.**
Commission J. Bruce Buggar Chairman
125 E. 11th Street
Austin, Texas 78701

City, St: _____
PS Form 3800, October 2019 Instructions

Postmark: FEB 10 2024 HOUSTON TX

LONG POINT STATE DISTRICT CLERK

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO. 981744
TRACKING NO: 74283939

EML

Plaintiff:
RAPALO, ILSY ODET GOMEZ (INDIVIDUALLY AND A/N/F OF B J R G
(MINOR))

In The 215th Judicial District
Court of Harris County, Texas

vs.
Defendant:
COTTON, CHARLES D

Houston, Texas

CITATION (SECRETARY OF STATE CORPORATE NON-RESIDENT)

THE STATE OF TEXAS
County of Harris

To: CAPACITY LEASE LLC (A FOREIGN CORPORATION) MAY BE SERVED BY SERVING THE TEXAS
SECRETARY OF STATE P O BOX 12079 AUSTIN TX 78711-2079 FORWARD TO: CT CORPORATION
SYSTEM OR ANY OTHER OFFICER DIRECTOR OR REGISTERED AGENT THAT MAY BE FOUND
2 NORTH JACKSON STREET SUITE 605 , MONTGOMERY AL 36104
OR ANY OTHER ADDRESS DEFENDANT MAY BE FOUND

Attached is a copy of PLAINTIFFS ORIGINAL PETITION

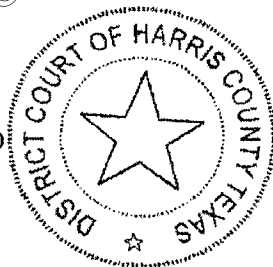
This instrument was filed on February 1, 2024 in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 30 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](https://www.texaslawhelp.org).

TO OFFICER SERVING:

This citation was issued on February 2, 2024, under my hand and seal of said court.

Issued at the request of:
GOFF, JASON D.
10700 NORTH FREEWAY, 8TH FLOOR
HOUSTON, TX 77037
713-528-7711
Bar Number 24052857

*Marilyn Burgess*

Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston Texas 77002
(PO Box 4651, Houston, Texas 77210)

Generated By: JOSHUA HALL

Tracking Number: 74283939

EML

CAUSE NUMBER: 202406791

PLAINTIFF: RAPALO, ILSY ODET GOMEZ (INDIVIDUALLY AND A/N/F OF B J R G (MINOR)) In the 215th

vs.

Judicial District Court of

DEFENDANT: COTTON, CHARLES D

Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at 8⁰⁰ o'clock A.M. on the 19th day of Febr, 2024. Executed at
Address) 10.800 12079 Arstn P 228 78701 Conne # 7023-3330-0000-8689-9963 in
Texas County at o'clock 5⁵³ A.M. on the 15th day of Febr, 2024, by
Summoning the Capacity Lease, LLC and Secy of State P. J. ... Delivering to
Capacity Lease, LLC and Secy of State P. J. ... in ~~person~~ a corporation By leaving in the principal office during
office hours 2 of the said Capacity Lease, LLC and Secy of State P. J. ... a true copy of this
notice, together with accompanying copy of Proff. Opined To certify which I
affix my hand officially this 19th day of Febr, 2024

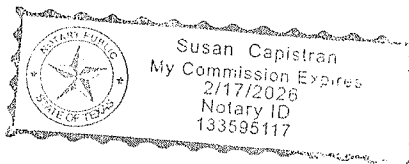
Fees \$

Affiant

By

Deputy

On this day, Capacity Lease, LLC and Secy of State P. J. ..., known to me to be the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this 19th day of Febr, 2024

Notary Public

NO. 2023-06791

ILSY ODERT GOMEZ RAPALO

V

CHARLES D. COTTON

§
§
§
§
§

IN THE 215TH JUDICIAL

DISTRICT COURT OF

HARRIS COUNTY, TEXAS

AFFIDAVIT OF LAWRENCE RODRIGUEZ, JR.

STATE OF TEXAS

COUNTY OF HARRIS

§
§
§

KNOW ALL PERSONS BY THESE PRESENTS

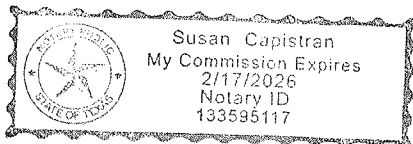
BEFORE ME, the undersigned authority, on this day personally appeared Lawrence Rodriguez, Jr., who being by me first duly sworn, deposed and stated:

1. "My name is Lawrence Rodriguez, Jr., and my business address is 2021 Spenwick #518, Houston, Texas 77055. I am over the age of twenty-one (21) years, of sound moral character, never been convicted of a felony, and otherwise competent to testify. I have personal knowledge if the facts and circumstances set forth in this Affidavit, and they are true and correct.
2. This affidavit is made pursuant to the Supreme Court of Texas Misc Docket No. 05-9121, Final Approval of Amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure("Standing Order").
3. I affirmatively state that I am an authorized private process server pursuant to Rule 103 TRCP in conjunction with the Standing Order and have no interest in the outcome of this suit.
4. Came to hand on February 9, 2024 at 8:00 am and executed in Travis County, Texas by delivering to each named defendant, a true copy of citation together with copy of Plaintiff's Original Petition at the following time and place to wit: Capacity Lease, LLC through Secretary of State of Texas Citations Unit certified mail return receipt requested article number 7022-3330-0000-8689-9963 at P.O. Box 12079 Austin, Travis County, Texas 78711 on February 15, 2024 at 5:53am.

"Further, Affiant sayeth naught."

LAWRENCE RODRIGUEZ, JR.
SCH00001055

SWORN TO AND SUBSCRIBED TO BEFORE ME, on this the 19th day of Feb, 2024, by Lawrence Rodriguez, Jr.



Notary Public State of Texas

ALERT: SEVERE WEATHER CONDITIONS ACROSS THE U.S. MAY DELAY FINAL DELIVERY OF Y...

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Tracking Number:

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AUSTIN, TX 78711

February 15, 2024, 5:53 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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<input type="checkbox"/> Return Receipt (hardcopy)	\$3.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$2.35
Total	\$10.40

Sent **Capacity Lease, LLC through Secretary**
of State of Tx. Citations Unit
P.O. Box 12079
Austin, Texas 78711

Postmark Here: FEB 10 2024 LONG POINT STATION AUSTIN, TX 78711

PSR Instructions

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO. 981744
TRACKING NO: 74283939

EML

Plaintiff:

RAPALO, ILSY ODET GOMEZ (INDIVIDUALLY AND A/N/F OF B J R G
(MINOR))

vs.

Defendant:

COTTON, CHARLES D

In The 215th Judicial District
Court of Harris County, Texas

Houston, Texas

CITATION (SECRETARY OF STATE CORPORATE NON-RESIDENT)

THE STATE OF TEXAS

County of Harris

To: MONTGOMERY TRANSPORT LLC (A FOREIGN CORPORATION) MAY BE SERVED BY SERVING THE
TEXAS SECRETARY OF STATE P O BOX 12079 AUSTIN TX 78711-2079 FORWARD TO:
CT CORPORATION SYSTEM OR ANY OTHER OFFICER DIRECTOR OR REGISTERED AGENT THAT MAY BE
FOUND
2 NORTH JACKSON STREET SUITE 605 , MONTGOMERY AL 36104
OR ANY OTHER ADDRESS DEFENDANT MAY BE FOUND

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TO OFFICER SERVING:

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Issued at the request of:

GOFF, JASON D.

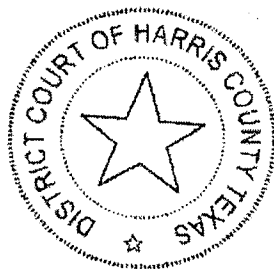
10700 NORTH FREEWAY

8TH FLOOR

HOUSTON, TX 77037

713-528-7711

Bar Number 24052857

*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas

201 Caroline, Houston Texas 77002

(PO Box 4651, Houston, Texas 77210)

Generated By: JOSHUA HALL

Tracking Number: 74283939
EML

CAUSE NUMBER: 202406791

PLAINTIFF: RAPALO, ILSY ODET GOMEZ (INDIVIDUALLY AND A/N/F OF B J R G (MINOR)) In the 215th
vs. Judicial District Court of
DEFENDANT: COTTON, CHARLES D Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

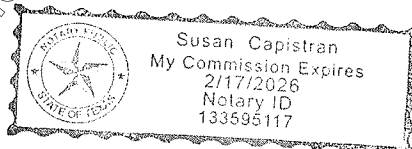
Came to hand at 8⁰⁰ o'clock A.M. on the 9th day of Feby, 2024. Executed at
Address) P.O. Box 1204 Austin, TX 78701 Call 702-3330-0000-8689-9986 in
Travis County at 553 o'clock A.M. on the 15th day of Feby, 2024, by
Summoning the _____ Delivering to
Monique Petersen, LLC State Sec of State of Texas in person a corporation By leaving in the principal office during
office hours _____ of the said _____ a true copy of this
notice, together with accompanying copy of Affiant's To certify which I
affix my hand officially this 15th day of Feby, 2024

Fees \$ _____

By _____ Deputy
Affiant) _____
On this day, _____, known to me to be the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this 15th day of Feby, 2024

Notary Public



NO. 2023-06791

ILSY ODERT GOMEZ RAPALO

V

CHARLES D. COTTON

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§
§

IN THE 215TH JUDICIAL

DISTRICT COURT OF

HARRIS COUNTY, TEXAS

AFFIDAVIT OF LAWRENCE RODRIGUEZ, JR.

STATE OF TEXAS

COUNTY OF HARRIS

§
§
§

KNOW ALL PERSONS BY THESE PRESENTS

BEFORE ME, the undersigned authority, on this day personally appeared Lawrence Rodriguez, Jr., who being by me first duly sworn, deposed and stated:

1. "My name is Lawrence Rodriguez, Jr., and my business address is 2021 Spenwick #518, Houston, Texas 77055. I am over the age of twenty-one (21) years, of sound moral character, never been convicted of a felony, and otherwise competent to testify. I have personal knowledge if the facts and circumstances set forth in this Affidavit, and they are true and correct.
2. This affidavit is made pursuant to the Supreme Court of Texas Misc Docket No. 05-9121, Final Approval of Amendments to Rules 103 and 536(a) of the Texas Rules of Civil Procedure("Standing Order").
3. I affirmatively state that I am an authorized private process server pursuant to Rule 103 TRCP in conjunction with the Standing Order and have no interest in the outcome of this suit.
4. Came to hand on February 9, 2024 at 8:00 am and executed in Travis County, Texas by delivering to each named defendant, a true copy of citation together with copy of Plaintiff's Original Petition at the following time and place to wit: Montgomery Transport, LLC through Secretary of State of Texas Citations Unit certified mail return receipt requested article number 7022-3330-0000-8689-9956 at P.O. Box 12079 Austin, Travis County, Texas 78711 on February 15, 2024 at 5:53am.

"Further, Affiant sayeth naught."

LAWRENCE RODRIGUEZ, JR.
SCH00001055

SWORN TO AND SUBSCRIBED TO BEFORE ME, on this the 15th day of February, 2024, by Lawrence Rodriguez, Jr.



Notary Public State of Texas

ALERT: SEVERE WEATHER CONDITIONS ACROSS THE U.S. MAY DELAY FINAL DELIVERY OF Y...

USPS Tracking®

FAQs >

Tracking Number:

70223330000086899956

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item has been delivered and is available at a PO Box at 5:53 am on February 15, 2024 in AUSTIN, TX 78711.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, PO Box

AUSTIN, TX 78711

February 15, 2024, 5:53 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Feedback

7022 3330 0000 8689 9956

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$3.65
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$2.35
Total	\$10.40

Sent To: **Montgomery Transport, LLC through**
Street: **Secretary of State of Tx. Citations Unit**
City, S: **P.O. Box 12079**
Austin, Texas 78711

PS Form 3800, April 2019 PSN 7530-02-000-9001

Postmark: **HOUSTON TX 10 2024**

Instructions

CAUSE NO. 2024-06791

ILSY ODET GOMEZ RAPALO *individually*
and a/n/f of B. J. R. G. (Minor),
Plaintiffs,

vs.

CHARLES D. COTTON, MONTGOMERY
TRANSPORT, LLC *and* **CAPACITY**
LEASE, LLC,
Defendants.

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IN DISTRICT COURT OF

HARRIS COUNTY, TEXAS

215th JUDICIAL DISTRICT

PLAINTIFFS' NOTICE OF FILING
TEXAS TRANSPORTATION COMMISSION CHAIRMAN'S CERTIFICATE

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs, and files this CERTIFICATE FOR THE TEXAS TRANSPORTATION COMMISSION'S CHAIRMAN for **Defendant, Charles D. Cotton**. *See attached Ex. A, Texas Transportation Commission Chairman's Certificate.*

WHEREFORE PREMISES CONSIDERED, Plaintiffs, pursuant to the Texas Rules of Civil Procedure 74, move this Court to enter this CERTIFICATE on record in this cause.

Respectfully submitted,

Law OFFICES OF MARCOS & ASSOCIATES, P.C.

By: 

Jason D. Goff

Texas Bar No. 24052857

10700 North Freeway, 8th Floor

Houston, TX 77037

Telephone: (713) 528-7711

Facsimile: (713) 528-7710

E-Service: e-service_jason@marcoslaw.com

ATTORNEY FOR PLAINTIFFS,

ILSY ODET GOMEZ RAPALO, ET AL.

CERTIFICATE OF SERVICE

I certify that on the February 26, 2024, I served a true and correct copy of Plaintiffs' Notice of Filing Texas Transportation Commission Chairman's Certificate on all counsel of record by electronic service.



Jason D. Goff

Unofficial Copy Office of Marilyn Burgess District Clerk

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Luisa Rengifo on behalf of Jason Goff

Bar No. 24052857

lrengifo@marcoslaw.com

Envelope ID: 84889071

Filing Code Description: Notice

Filing Description: Plaintiffs' Notice of Filing Texas Transportation

Commission Chairman's Certificate with Exhibit A

Status as of 2/26/2024 12:29 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jason D.Goff		e-service_jason@marcoslaw.com	2/26/2024 11:09:29 AM	SENT



Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8630 | WWW.TXDOT.GOV

February 15, 2024

Charles D. Cotton
131 Ashton Lane
Anderson, SC 29621

COPY

Re: GCD No. 49370
Cause No. 202406791
Harris County
Plaintiff: Ilsy Odet Gomez Rapalo, Individually and a/n/f of B.J.R.G. (Minor)
Defendant: Charles D. Cotton

Dear Sir/Madam:

In compliance with the Texas long-arm statute, Texas Civil Practice and Remedies Code, Chapter 17, Subchapter D, the Chair of the Texas Transportation Commission was duly served with the enclosed Citation and Plaintiff's Original Petition on February 15, 2024.

This agency's only role in the process is to serve as an out-of-state defendant's agent for service of process. We are unable to answer any questions or respond to correspondence regarding this lawsuit. All questions or concerns should be addressed to the attorney noted below.

General Counsel Division

Enclosures

cc: Jason D. Goff
Attorney at Law
10700 North Freeway, 8th Floor
Houston, TX 77037
Telephone (713) 528 7711

U.S. Certified Mail No. 9589 0710 5270 0638 6606 35
Return Receipt Requested

TEXAS TRANSPORTATION COMMISSION CHAIRMAN'S CERTIFICATE

NO. 202406791

ILSY ODET GOMEZ RAPALO, INIVIDUALLY
AND A/N/F OF B.J.R.G. (MINOR)

VS.

CHARLES D. COTTON, ET AL

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IN THE DISTRICT COURT

215TH JUDICIAL

HARRIS COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW J. Bruce Bugg, Jr., Chairman of the Texas Transportation Commission,
and Certifies to the court as follows:

That on February 15, 2024, I was duly served with Citation and copy of Plaintiff's
Original Petition in the above styled and numbered cause, which I immediately caused to be
forwarded by U.S. Certified Mail, certified number 9589 0710 5270 0638 6606 35
addressed to Charles D. Cotton, 131 Ashton Lane, Anderson, SC 29621 with postage
prepaid, return receipt requested;

In witness whereof, this certificate is issued in Austin, Texas, this 15th day of
February, 2024.



A handwritten signature in black ink, appearing to read "J. Bruce Bugg, Jr.", is written over a horizontal line.

Chairman, Texas Transportation Commission



USPS Tracking[®]

FAQs >

Tracking Number:

9589071052700638660635

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 4:29 pm on February 20, 2024 in ANDERSON, SC 29621.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Left with Individual

ANDERSON, SC 29621

February 20, 2024, 4:29 pm

In Transit to Next Facility

February 19, 2024

Arrived at USPS Regional Facility

GREENVILLE SC DISTRIBUTION CENTER

February 18, 2024, 11:53 am

Departed USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

Feedback

February 17, 2024, 8:53 am

Arrived at USPS Regional Facility
AUSTIN TX DISTRIBUTION CENTER
February 17, 2024, 12:09 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates

USPS Tracking Plus®

Product Information

See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

TEXAS SECRETARY of STATE
JANE NELSON

Service of Process Search

Service #	Defendant	Style	Cause #
			202406791

Search All

Start Over

Found: 1 Displayed: 1

Service #: 2024361260 Received 2/15/2024 2:21:54 PM Cause #: 202406791

Style: Ilsy Odet Gomez Rapalo Individually and anf of B J R G VS Charles D Cotton

Court: 215th Judicial District Court Of Harris County, Texas

Service Action #1 Forwarded 3/6/2024 2:23:38 PM Return Receipt Dated 03/12/2024

Defendant Name: Capacity Lease LLC

Result: bearing signature

Mail No: 71901046470101674378

Service Action #2 Forwarded 3/6/2024 3:00:07 PM Return Receipt Dated 03/12/2024

Defendant Name: Montgomery Transport LLC

Result: bearing signature

Mail No: 71901046470101674385

- Service of Process will issue the *Certificate of Service* as soon as a result is received from the US Postal Service.
- If a result is not received from the US Postal Service 60 calendar days from the forwarded date, a *No Response Certificate* will be issued within 3-5 business days thereafter the 60th calendar day.

March 19, 2024

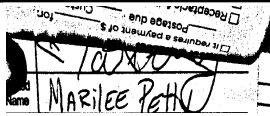

Dear R Garcia:

The following is in response to your request for proof of delivery on your item with the tracking number:
7190 1046 4701 0167 4378.

Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	March 12, 2024, 9:27 am
Location:	MONTGOMERY, AL 36104
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



March 19, 2024

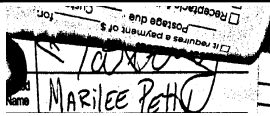

Dear R Garcia:

The following is in response to your request for proof of delivery on your item with the tracking number:
7190 1046 4701 0167 4385.

Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	March 12, 2024, 9:27 am
Location:	MONTGOMERY, AL 36104
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004